

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAR 30 2017

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

KEVIN TERRY DOTSON,
Petitioner,

Civil Action No. 7:17-cv-121
Civil Action No. 7:13-cv-00529

v.

ORDER

WARDEN OF KMCC,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is now

ORDERED

that the motion of "extrinsic fraud upon the court" in Civil Action No. 7:13-cv-00529 is construed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254; the Clerk **SHALL** set up a new case for the construed § 2254 petition; the construed § 2254 petition is **DISMISSED without prejudice** as successive; a certificate of appealability is **DENIED**; and this action is **STRICKEN** from the active docket.

The Clerk shall send a copy of this Order and the accompanying Memorandum Opinion to Petitioner.

ENTER: This 30th day of March, 2017.


Senior United States District Judge